

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Robert Pollak, 36 Broad Hill Road, Leverett, MA 01054

Date Application filed with the Town Clerk: February 1, 2005

Nature of request: The applicant seeks a Special Permit to operate a Class II restaurant.

Location of property: 1185 North Pleasant Street (formerly Daisy's restaurant) (Map 5A, Parcel 87, B-VC Zone).

Legal notice: Published in the Daily Hampshire Gazette on February 9 and February 16, 2005 and sent to abutters on February 9, 2005.

Board members: Tom Simpson, Barbara Ford and Ted Rising

Submissions: On February 18, 2005, the applicant submitted a letter stating that he wished to withdraw his application without prejudice.

Site Visit: There was no site visit.

Public Hearing: February 24, 2005.

At the public hearing, Christine Brestrup, Planning Department, presented Mr. Pollak's letter and explained his reasons for withdrawing his application, since Mr. Pollak did not attend the public hearing. Mr. Pollak is in the process of revising his concept for the restaurant. He plans to reapply in the near future to operate a Class II restaurant in the subject location and will be submitting a new management plan and architectural plans for renovation of the space along with his new application.

Luciano Matarazzo, owner of 1177 North Pleasant Street, spoke about the application under consideration. He stated that he is concerned about parking and wants to make sure that Mr. Pollak controls the parking for his new restaurant so that it doesn't spill over onto Mr. Matarazzo's property. The Board assured Mr. Matarazzo that he would be notified about the public hearing for the new application when that application is submitted.

Barbara Ford MOVED that the evidentiary portion of the public hearing be closed. Ted Rising SECONDED the motion. The Board VOTED unanimously to close the hearing.

Public Meeting:

Barbara Ford MOVED to approve the withdrawal of Mr. Pollak's application without prejudice. Ted Rising SECONDED the motion. The Board VOTED unanimously to approve the withdrawal of the application without prejudice.

Zoning Board Decision:

For all of the reasons stated above, the Board VOTED unanimously to allow Mr. Pollak to WITHDRAW his petition to operate a Class II restaurant at 1185 North Pleasant Street (Map 5A, Parcel 87, B-VC Zone) WITHOUT PREJUDICE.

TOM SIMPSON

TED RISING

BARBARA FORD

FILED THIS _____ day of _____, 2005 at _____,
in the office of the Amherst Town Clerk _____.
TWENTY-DAY APPEAL period expires, _____ 2005.
NOTICE OF DECISION mailed this _____ day of _____, 2005
to the attached list of addresses by _____, for the Board.